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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,459	06/23/2003	Chiu Kuei Wang	MR2049-336	7238
4586	7590	12/17/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			HOESLY, RYAN C	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/600,459	WANG, CHIU KUEI
	Examiner Ryan C. Hoesly	Art Unit 3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 June 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: page six, paragraph 2 states, "Referring to Figs 6 to 8, the tow rods 10," however, there is no reference character 10 in Figures 6-8. Additionally, page 7 paragraph 1 states, "Referring to Figs. 14 and 16, when stretching the two rods 10, 10' outward, the locking ring 11 is engaged with the hook portion," however, there is no reference character 11 in Figures 14 and 16. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both the plates and the clamps in Figure 14 and continue to represent the clamps in Figures 14-17 whereas the reference character previously used and described for this part is 11. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

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action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt (US Patent Number 5285937). Schmidt teaches a cycle rack that includes two rods (2 and 3) having a rack (2A and 3A) connected to a first end thereof and a clamping member (8A and 8B) connected to a second end and two positioning plates (7) located close to the two clamping members. Schmidt also discloses two plates (4 and 5) located close to the two racks and connected by a secure device (6) that has a pivot (45) that pivotally connects the two plates and a locking member (40) where a locking piece can be removably engaged with the locking member to prevent the latch from being removed from the two apertures.

5. With regards to claim 1, Schmidt discloses that the two clamping members are facing each other and that the positioning plates are pivotally connected (71 and 72) so that the device can removably clamp to a ball hitch (1). Schmidt also discloses that the secure device secures the first plate in a tunnel where a latch (64) releasably locks the plates in position.

6. With regards to claim 2, Schmidt discloses that the first plate is restrained in the tunnel of the body of the secure device.

7. With regards to claim 3, Schmidt discloses that the locking member is pivotally connected to the body at a mediate portion by a spring-loaded member (69) and a pivot (65). The latch is located on the end of the locking member and the spring loaded member biases the second end of the locking member and the second side of the body.

8. With regards to claim 4, Schmidt discloses that the latch on the end of the locking member forms a notch that receives the locking piece (46) from the plates.

9. With regards to claim 5, Schmidt discloses a design for the locking member where it does not allow the plates to over pivot. The body of the secure device serves as a stop member for the plates.

10. With regards to claim 6, Schmidt discloses in Figure 3, a latch member that includes an inclined surface, which faces the top edge of the secure device connected to the second plates.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US Patent Number 5588574). Schmidt teaches a cycle rack that includes two rods (2 and 3) having a rack (2A and 3A) connected to a first end thereof and a clamping member (8A and 8B) connected to a second end and two positioning plates (7) located close to the two clamping members. Schmidt also discloses two plates (4 and 5) located close to the two racks and connected by a secure device (6) that has a pivot (45) that pivotally connects the two plates and a locking member (40) where a locking piece can be removably engaged with the locking member to prevent the latch from being removed from the two apertures. Schmidt discloses that the clamping devices can be held together through a bolt (75') located near the clamping devices that pulls a U-shaped frame (73'), which is connected with a pin (71) to the rod opposite of the bolt. Thus, when the bolt is turned it pulls the U-shaped frame away from its' connection to the rod and thus pulls the rod and the clamping device toward their respective opposites, which makes the clamping devices form a tight grip on the ball hitch. The Schmidt device for pulling the clamping devices together works nearly identical to the one as claimed whereas the only difference is that the bolt acts directly to pull the U-shaped frame as opposed to using a hook that is acted upon by the bolt to pull the U-shaped frame. Because the Schmidt device uses nearly the same parts to perform the same function, it would have been obvious to one skilled in the art at the time of invention to modify the Schmidt device to yield the device as claimed.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record is located in the Notice of References Cited (PTO Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Hoesly whose telephone number is (703) 305-0576. The examiner can normally be reached on Monday-Thursday 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Stephen K. Cronin
Primary Examiner